

**Applicant:** Oliver Denzler  
**Application No.:** 10/590,007

**Amendments to Drawings:**

The attached drawing sheet includes changes to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1. Fig. 1 has been amended to show a throughput limiter or flow rate regulator in accordance with the specification at paragraph [0045].

**REMARKS**

Claims 1 - 3, 5- 9 and 11 - 14 are currently pending in this application, as amended. Claims 1, 5 - 9, and 11 - 14 have been amended. Claims 4 and 10 have been cancelled without prejudice. In the Drawings, Fig. 1 has been amended to include a throughput limiter or flow rate regulator (20). Also, the Abstract is reproduced on a separate sheet and submitted herewith. No new matter is added by this Preliminary Amendment.

**Objections to the Specification**

The Examiner objected to the specification because the abstract must be presented on a separate sheet. The Abstract is enclosed herewith on a separate sheet. Accordingly, the withdrawal of the objection to the specification is respectfully requested.

**Claim Rejections - 35 USC §112**

Claim 5 was rejected in the Action under 35 U.S.C. § 112, second paragraph for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended Figure 1 to schematically represent the throughput limiter or flow rate regulator. The specification at paragraph [0045] has been amended to identify the throughput

limiter or flow rate regulator as reference numeral 20. Accordingly, the withdrawal of the rejection under §112 is respectfully requested.

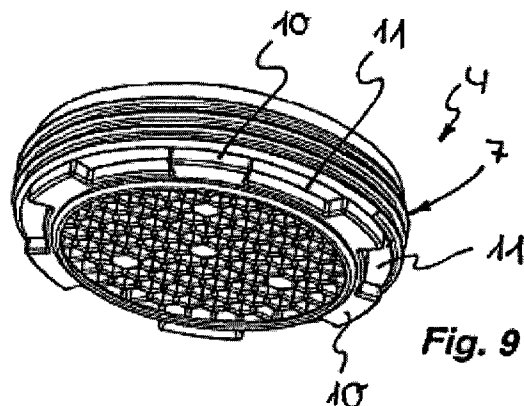
**Claim Rejections - 35 USC §102(b)**

Claims 1, 2 and 6 – 14 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,126,093 to Grether et al. (Grether et al. '093), which is assigned to the same Assignee of the application.

Applicant respectfully traverses this rejection.

Claim 1 has been amended to include the limitations of claim 4 which was not rejected under §102 thus rendering the rejection moot. Regarding claim 10, the '093 patent fails to teach a spout device including a mounting sleeve having an external thread, which is connected to a water spout, having an internal tread, of a plumbing water spout fitment via a screw connection. A jet-regulating device, with an attachment screen is connected upstream of the jet-regulating device in a direction of flow. The jet-regulating device is provided as a perforated plate and has a perforated area at least in a partial region thereof. An outflow-side jet-regulating device is arranged on a spout-side sleeve end region of the mounting sleeve and the jet-regulating device is formed in one piece on the mounting sleeve. The spout device (4) has a contoured outer outline and/or a contoured outflow end side tool attachment surface for a tool insert as is currently claimed in claim 1. The tool

attachment surface of the contoured outflow end side is clearly shown in Fig. 9 of the application, reproduced below.



As mentioned in the specification at paragraph [0054], the spout device 4 shown in Figs. 7 to 9 has a contoured outflow end side, which has contouring formed from end-edge projections 10 and recesses 11. This contouring formed by the projections 10 and the recesses 11 can be used as a tool attachment surface for the complementary recesses and projections of a tool insert. There is no tool attachment surface shown in the '093 patent as is currently claimed.

Accordingly, the withdrawal of the § 102(b) rejection of claims 1, 2, and 6 – 14 is respectfully requested.

**Claim Rejections - 35 USC §103(a)**

Claim 3 was rejected under 35 U.S.C. § 103(a) as obvious over Grether et al. '093 in view of U.S. Patent 6,152,182 to Grether et al (Grether et al. '182), which is

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also assigned to the same Assignee of the present application. Claim 4 was rejected as obvious over Grether et al. '093 in view of U.S. Patent No. 6,513,731 to Griffin et al.

Further to the above remarks, Applicant respectfully traverses the rejection. Claim 1 has been amended to include the limitations of claims 4 and 10, claim 10 not being rejected under §103, thus obviating the rejection. Accordingly, the withdrawal of the §103 rejection of claims 3 and 4 is respectfully requested.

### **Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

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In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1 - 3, 5- 9, and 11 - 14, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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Enclosures (2)